

GENERAL PAYNE'S LIFE WEAVERED

Surrounded by Family He
Yields to Illness.

CONFEDERATE CAVALRYMAN

Practiced Law After the War and
Amassed Fortune—Counsel for
the Southern Railway.

Gen. William H. Payne died in his apartments at the Gloucester this morning at 11:30 o'clock, after an illness of several days, the result of which was the outcome of three or four years of bad health. His whole family were with him at the end, together with several personal friends and Dr. Ferdinand C. Walsh, who has been attending him. The remains will be taken to Warrenton, Va., General Payne's home, where the funeral will take place on Thursday. General Payne is survived by a widow, Mrs. Mary Payne, his sons, Capt. W. V. Payne, Arthur M. Payne, Henry F. Payne, J. Winthrop Payne, C. Blair Payne, and one daughter, Mrs. Eppa Hunt, Jr., of Richmond, Va.

A Cavalry Leader.

At the outbreak of the civil war he entered the Confederate army as captain in the famous "Black Horse Cavalry." He served under Gen. Fitzhugh Lee, Wade Hampton, and J. E. B. Stuart, by all of whom he was mentioned for conspicuous gallantry.

At the first battle of Manassas, Captain Payne, with his company of sixteen men, was severely wounded at the battle of Williamsburg, but returned to his command before his wounds healed. He received honorable mention from Gen. Fitzhugh Lee for a hand-to-hand encounter which he engaged in at Stevensburg, while still suffering from his wounds. He commanded the cavalry troop that surprised General Sheridan at Cedar Creek.

Noted for Dash.

Throughout the war he was noted for his dash, his skill, and his joy of combat. From the rank of captain he rose steadily, and at the close of the war he was a brigadier general.

Because his name, Payne, was the same as that of the man who attempted the assassination of Secretary Seward, General Payne was arrested shortly after hostilities ceased and was brought to Washington, where a vast mob was clamoring for him to be hanged. It was due to the protection of the Federal officers, who were forced to use every stratagem at their command, that General Payne escaped death. As it was, he was confined for a long term in the old Capitol prison and in prisons in the North. When he was finally released, he worked his way back home, walking from Alexandria to Warrenton.

Successful Lawyer.

He practiced law at Warrenton, and was so successful, through diligence and ability, he was one of the few members of the bar during that period who accumulated fortunes. He became attorney for the Virginia Railway and Southern Railway, which position he relinquished, against the protest of that company, when he decided to retire about two years ago.

The Southern would not consent to sever all connection with General Payne, so he was retained as advisory counsel. He has been in failing health for three or four years.

SENATE HAS THE POWER TO EXCLUDE BURTON NOW

(Continued From First Page.)

ment for the army and navy, and that Mr. Simmons had agreed to receive compensation for his services.

Simmons Resigned.

The resolution was referred to the Senate Committee on the Judiciary by a vote of 21 to 7. Six days later the committee reported that the facts were substantially as given above, and that the members of the committee were of the opinion that "such a practice is entirely indefensible and that it was highly improper for a Senator of the United States to have acted thus, even when the Government sustained no loss thereby," that it was manifest that Congress disapproved of such conduct from the fact that it had promptly passed a law making it a penal offense thereafter, but which up to the time of its commission was not punishable or forbidden by public law would be retroactive in its effect.

The committee reported back the resolution unanimously, accompanied by the statement of facts, and reported that the Senate might take such action as it thought proper. No action was taken. Congress adjourned three days after the report was made and Mr. Simmons resigned his seat in the Senate before the next session.

Cases of Expulsion.

The Senate has now before it the cases of three members involving the contingency of facts, and reported that the Senate might take such action as it thought proper. No action was taken. Congress adjourned three days after the report was made and Mr. Simmons resigned his seat in the Senate before the next session.

Senator William Blount of Tennessee

was expelled July 5, 1797, for a high misdemeanor, having attempted to seduce an officer of the United States from his duty and to alienate the confidence of Senator John Smith of Ohio was in 1802 charged with connection with the conspiracy of Aaron Burr and indicted for treason, and was held by a Senate committee to be guilty of conduct incompatible with his office as senator, but on April 9, 1803, after a long debate on the question nineteen voted yes and ten no, and the Senate refused to expel him because two-thirds of the Senate did not concur.

Senator Henry M. Rice of Minnesota was in 1858 charged with fraud and extortion prior to his election, but the testimony before a Senate committee was found not to sustain any allegation of criminality or to show anything to disqualify him for a seat in the Senate.

War Expulsions.

Senators Jefferson Davis and Albert G. Brown of Mississippi; Stephen R. Mallory and David L. Yulee of Florida;

Entries Are Not Many For Benning Tomorrow

First, Second, and Fourth Events Particularly
Light—Tribes Hill, New Orleans Favor-
ite, Entered in Handicap.

BENNING, March 29.—The races at

Benning tomorrow are not well filled. The first and second races are only four horses and in the fourth there are a paltry five entries.

The handicap has attracted the best horses. Among the entries is Tribes Hill, considered the best handicap horse that ran at New Orleans in the past winter. Honolulu, which was backed by many to win the Benning Handicap on the opening day of the meeting, is also among the handicap entries for tomorrow.

The entries are:

First race—Three-year-olds and up; six furlongs. Tomcat, 101; Payne, 115; Moenhen, 95; Rain or Shine, 100.

Second race—Two-year-olds; four and one-half furlongs. Allen, 107; Only One, 112; Modredlaw, 115.

Third race—Selling; three-year-olds and up; five and one-half furlongs.

Fourth race—Selling; three-year-olds and up; seven furlongs. Charette, 95; Sweet June, 95; General Steward, 95; Bouvier, 95; Mr. Churchill, 102; Bride Card, 103; Zedak, 100; May Holiday, 91; Pipe, 100; Lady Taragon, 95; Mammon, 95; Cay, 95; Worry, 102.

Fifth race—Maiden three-year-olds and up; seven furlongs. Charette, 95; Sweet June, 95; General Steward, 95; Bouvier, 95; Mr. Churchill, 102; Bride Card, 103; Zedak, 100; May Holiday, 91; Pipe, 100; Lady Taragon, 95; Mammon, 95; Cay, 95; Worry, 102.

Sixth race—Handicap; 3 years and up; mile and 100 yards. Tribes Hill, 12; Ethics, 113; Honolulu, 114; Colonsay, 115; Lord Melbourne, 112; Bessie McCarthy, 110; Circus, 105; Early Eve, 104; Scotch Thistle, 101; Lord Advocate, 95.

*Apprentice allowances.

Weather clear; track good.

SECRETARY HITCHCOCK REPLIES TO RESOLUTION

Estimates the Increased Cost of Pen-
sions Under Ware's Order at
\$5,400,000 a Year.

The response of Secretary Hitchcock to the resolution introduced by Senator Overman calling for information as to the cost of enforcing the service pension order of Commissioner of Pensions Ware was received by the Senate this afternoon.

When Mr. Perkins, temporarily presiding, started to have the response read to the Senate, Mr. Fulton objected. He claimed the right to continue his discussion of the misbonded salmon bill then before the Senate.

Mr. Aldrich suggested to the Chair that there could be no objection to the Senator's wish, and the reading of the Hitchcock communication was delayed.

Secretary Hitchcock's reply discusses the propriety of aid age pensions, and reports that an increased annual expenditure of \$5,400,000 will probably be necessary. He takes occasion to say, however, that any estimate of this sort is necessarily "purely speculative."

The Hitchcock reply was ordered printed and to lie on the table, after a short discussion among Senators Aldrich, Cushman, and Calkins as to the proper committee for its reference.

Mr. Carmack has a similar resolution before the Senate referring the entire service pension scheme to the Judiciary Committee. Pending a decision on this point, the Hitchcock reply will lie on the table.

STATE DEPARTMENT CLERK DIES OF APOPLEXY

Theodore E. Price, who was employed
as a special clerk at the State Depart-
ment, died suddenly with apoplexy last
night at his home, 113 F Street. Mr.
Price was fifty-five years old.

"OLD BOG" IS DEAD IN CHICAGO SANITARIUM

CHICAGO, March 29.—Henry A. Bogardus, the most widely known travel-
grapher in the country is dead in a
sanitarium here.

He was familiarly known as "Old Bog" and had the distinction of work-
ing in every important town in the
country.

C. C. Clay and Benjamin Fitzpatrick of Alabama; Robert Tompkins of Georgia, and John P. Bagley, of Louisiana, having in 1861 withdrawn from the Senate, their seats were declared vacant, and their names omitted from the roll in March of the same year.

Senators John M. Mason and Robert M. T. Hunter of Virginia; Thomas L. Clingman and Thomas Brazz of North Carolina; James Chester, Jr., of South Carolina; A. O. P. Nicholson of Tennessee; William K. Sebastian and Charles B. Mitchell of Arkansas; John Henrich and Louis D. Wigfall of Texas, were on July 10, 1861, expelled from the Senate "for engaging in a conspiracy, the destruction of the Union, or having full knowledge of the conspiracy, failing to advise the Government of it."

Senator John C. Breckinridge of Kentucky was expelled December 4, 1861, on a charge of having "joined the enemies of his country."

Disloyal Speeches.

Prior to the expulsion of Senator Wigfall, in July, 1861, a resolution was introduced in March, 1861, for his expulsion on the ground that he declared in debate that he owed no allegiance to the Government. The question was referred to a committee, but he was not expelled until the following session of Congress.

Senator Trosten Polk of Missouri was expelled January 10, 1862, for writing a letter containing expressions of disloyalty to the United States.

Senator James D. Bright of Indiana was expelled February 12, 1862, for having written a letter addressed to the "President of the Confederation of States," and for committing to his consideration a gentleman who wished to dispose of an improvement in firearms.

The Last Case.

In 1862 it was charged against Senator Lazarus W. Powell of Kentucky that his "purposes, if not his acts, were treasonable," but a resolution for his expulsion failed to pass.

In 1862 the Senate failed to act upon a resolution for the expulsion of Senator Simmons of Rhode Island, whose case was analogous to that of Senator Burton, for the reason that expulsion would have been in the nature of an ex post facto penalty.

In the case of Senator James V. Patterson of New Hampshire, the House of Representatives transmitted, in 1853, to the Senate a copy of evidence reported to the House by a select investigating committee, which examined into charges of bribery of members of the House and adduced evidence affecting Senator Patterson. A select committee of the Senate recommended the expulsion of Senator Patterson, but the resolution was not acted upon for want of time.

Typhonic, 107; Eloim, 102; Maru, An-

drattus, 100; Fustian, 107; Elsie, 90; Monte Carlo, 115; Adel Trebla, 90; Master Prim, 101; Tom Kiley, 84; Julia M., 88; Hopeful Miss, 95; Jesselita, 91.

Fourth race—Three-year-olds; six furlongs. Conkling, 111; St. Juvenal, 108; Peter Paul, 115; Spring, 116; Dr. Loder, 108.

Fifth race—Maiden three-year-olds and up; seven furlongs. Charette, 95; Sweet June, 95; General Steward, 95; Bouvier, 95; Mr. Churchill, 102; Bride Card, 103; Zedak, 100; May Holiday, 91; Pipe, 100; Lady Taragon, 95; Mammon, 95; Cay, 95; Worry, 102.

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MORE HEARINGS FOR M STREET RAILWAY

Referred to Subcommittee
by District Committee.

HOSPITAL IMPROVEMENTS

Bill Appropriating \$130,629.67 for
Providence Favorably Reported
to the Senate.

The bill providing for the M Street
cross-town railway project, known
officially as Senate bill 223, was called
up at the special meeting today of the
Senate District Committee, and referred
to the following members as a special
committee: Senators Hansbrough, Dil-
lingham, Foster of Washington, Martin,
and Dubois.

The subcommittee will hold several
meetings, in all probability, before de-
termining upon a report to the full com-
mittee. There are a number of local citi-
zens, residents of the southeast and
northeast sections of Washington, who
have been assured by Chairman Gal-
lenger that they will have an opportu-
nity of appearing before the subcommi-
tee and presenting such statements as they
desire to show the necessity for a new
road in the section where they live.

The intended amendment to the sun-
dry civil appropriation bill, to appro-
priate \$230,629.67 for improvements of
Providence Hospital in the District of
Columbia, was ordered favorably re-
ported on the following bills:

Senate bill 2793, to provide for the pay-
ment of damages arising from change
of grade at the new Union Station.

House bill 953 to extend the time for
completing the East Washington
Heights Traction Railroad Company's
line. An extension of eighteen months
is favored.

Several other important local bills, on
which favorable reports were ordered
and which were afterward presented in
the Senate, are as follows:

By Mr. Gallinger—Senate bill 424, to
incorporate the Washington Sanitary
Housing Company.

By Mr. Mallory—Senate bill 3322, to
provide for the payment of the Northern
Liberty Market claims.

By Mr. Foraker—Senate bill 2654, to
amend the act establishing a code of
law for the District, relating to the
events of streets and alleys.

By Mr. Foraker—Senate bill 438, regu-
lating the use of telegraph wires in the
District of Columbia.

PEACH CROP REPORTED SAFE.

CHATTANOOGA, Tenn., March 29.—
Fruit growing sections of north Georgia,
Alabama, and that part of Tennessee ad-
jacent to Chattanooga, report that the
immense peach crop is safe, and that
the frost yesterday not having harmed it.

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SENATE SETS DATE IN SMOOT'S CASE

Hearings Are to Be Re-
sumed Early Next Month.

MANY NEW WITNESSES

Important Data Collected for Use When
the Committee Gathers April 12.
Two Apostles Beyond Reach.

The Senate has decided upon April 12
as the date for resuming the hearings
in the Smoot case, and interesting de-
velopments are anticipated when the
new witnesses appear before the Privi-
leges and Elections Committee.

Advices coming from Utah bring word
that the month's recess in hearings here
has been employed to gather up new
facts of importance, having direct bear-
ing on the testimony of President Jos-
eph F. Smith and other pillars of the
Mormon Church.

Among the new data to be laid before
the committee two weeks hence is a pe-
tition from 6,000 citizens of Utah resent-
ing the testimony of President Smith
that his flagrant violations of law are
"condoned" by all the people of Utah.

Ready to Prosecute.

The signers of the petition indignantly deny this, and say the head of
the church would be promptly and
properly dealt with, if it were possible
to prosecute him in courts not under
Mormon domination.

The attendance of Apostles George
Teasdale and Heber J. Grant, both of
whom have been summoned to attend,
but who cannot be reached to serve the
subpoenas, is not expected when the
committee resumes its sessions. Apostle
Teasdale was said to be dangerously ill
in Utah, and Heber J. Grant is in the
testimony on the stand. Recent advices
say he has "gone to Canada for his
health," so his attendance is not at all
probable.

Smoot May Escape.

Senator Smoot continues his attitude
of confidence that nothing can be at-
tached to him in such a way as to en-
danger his tenure of office. In this
view he is upheld, so far as past testi-
mony goes, by many of his Republican
colleagues in the Senate. While they
admit the evidence given showed a bad
condition of affairs in Utah, they do not
concede that it in any way affects Mr.
Smoot's standing as a Senator.

INSTALLATION SERVICES AT HOWARD UNIVERSITY

Dr. Gordon Will Be Inaugurated Presi-
dent of Institution With Appro-
priate Ceremonies Tomorrow.

The Rev. John Gordon, D. D., will be
installed as president of Howard Uni-
versity tomorrow. The first ceremony
of the new administration will be the
dedication of the new building at 1400
Rauk Chapel of the university at 2
o'clock, when a series of addresses will
be made by prominent men, who will in-
clude the Hon. William T. Harris,
United States Commissioner of Educa-
tion; President William H. Croghan, of
Clark University; Atlanta, President
Charles W. Needham, of Columbia
University; Dean F. W. Fairchild, of
the academic departments of Howard
University; Dean B. F. Leighton, for the
school, and Dean Robert Reburn, for
the medical school.

In the evening at 8 o'clock there will
be a meeting at the First Congregational
Church, when, in addition to President
Gordon's inaugural address, there will
be speeches by the Rev. Edward Everett
Hale, chairman of the United States Sen-
ate, and by the Rev. Thomas S. Hamlin,
president of the board of trustees of
Howard University.

COMMISSIONERS' NOTICES.

OFFICE OF THE COMMISSIONERS OF
the District of Columbia, Washing-
ton, March 28, 1904.—Notice is hereby
given that the Commissioners of the Dis-
trict of Columbia intend to make the
following named improvements, which
are in their judgment, necessary for the
public health, safety and comfort. As-
sessments for one-half of the cost of
the same will be made as provided in
public act, No. 171, approved August 1,
1894. Parties who are interested in the
proposed work are notified that the
Commissioners will give a hearing at
the District Building on WEDNESDAY,
APRIL 13, 1904, at 11 O'CLOCK, A. M.,
in the Board room of the said Commis-
sioners, to any and all persons who may
desire to object thereto. Construct-
ion of sewers is as follows: In the
south side of D Street southeast, be-
tween Eleventh and Twelfth Streets,
about 12 1/2 feet wide, and 10 feet deep,
estimated cost \$250. In the east side
of Sherman Avenue, between Florida
Avenue and Grant Avenue, northwest,
abutting all property facing upon the
east side of Sherman Avenue, between
the limits named, Wright & Cox subdi-
vision; estimated cost \$500. In the
west side of D Street southeast, be-
tween Eleventh and Twelfth Streets,
about 12 1/2 feet wide, and 10 feet deep,
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